

REMARKS

Claims 1-25 are pending in the application. Claims 16 and 19 are allowed. Claims 1-4, 8, 9, 11-15, 17 and 18 are rejected. Claims 5-7, 10 and 20-25 are objected to.

35 U.S.C. § 102:

Claims 1-4, 8, 9, 11-15, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brun, Jr., et al. (U.S. Patent No. 5,631,030 [hereinafter “Brun”]).

The Examiner applies Brun for disclosing a preform 30 having a body and a tubular neck, which is carried by a gripping device shown in Figure 2.

The Examiner also asserts that Brun discloses gripping claws 1 and an inner core 104. The Examiner’s grounds of rejection are inaccurate because Brun *does not* include an element labeled as “1,” nor an element labeled as “104.” Further, the grounds of rejection do not address the claimed “fin” recited in claims 1 and 11, nor the finger recited in claim 17.

The undersigned attorney contacted the Examiner to obtain clarification of his rejection. The Examiner acknowledged the defects in the rejection and indicated that he intended to cite Figure 6 of Brun against claims 1 and 11. In particular, the Examiner contends that Figure 6 discloses fins positioned between the areas labeled as 356. The Examiner further asserts that a channel is formed via the cooling coils 356, which enters the core through element 336 and exits through element 337. Elements 336 and 337 are not explicitly described in the detailed description of Brun. The Examiner indicated that, if the case is not allowed after Applicant’s response, the next Action would *not* be final because of the deficiencies in the rejection.

An exemplary aspect of the present invention is to hold the preform by the neck such that the internal face of the neck is not contacted. This provides benefits, such as avoiding

bacteriological contamination from contacting the inner surface of the neck and protects the inner neck from being scratched (see specification, page 2, lines 3-6). Brun clearly does not disclose such an aspect. Applicant amends claims 1 and 11 to describe an open space inside the preform which is bound by an inner periphery of the neck.

Figure 6 of Brun does not show a preform or the parison 30, but is understood to include a mold assembly configuration and a parison 30 similar to Fig. 2. As shown in Fig. 2, the parison 30 clearly contacts the cooled core 33 such that there is no open space created around an inner periphery of the neck. Therefore, for at least this reason, Brun fails to disclose each feature of claims 1 and 11, such that the rejection thereof should be withdrawn. The rejection of claims 2-4, 8, 9 and 12-15 should be withdrawn at least by virtue of their respective dependencies upon claims 1 and 11.

The undersigned attorney also informed the Examiner that Brun does not disclose, at least, the finger recited in claim 17, and the Examiner appeared to agreed. Thus, Applicant traverses the rejection of claim 17 for at least this reason. The rejection of claim 18 should be withdrawn at least by virtue of its dependency upon claim 17.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 09/913,823

Q65499

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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